



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/652,781	08/29/2003	Michael J. Oister	43108.830007.US2	3431

26582 7590 06/02/2005

HOLLAND & HART, LLP  
555 17TH STREET, SUITE 3200  
DENVER, CO 80201

EXAMINER
----------

CHIU, RALEIGH W

ART UNIT	PAPER NUMBER
----------	--------------

3711

DATE MAILED: 06/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/652,781

Applicant(s)

OISTER ET AL.

Examiner

Raleigh Chiu

Art Unit

3711

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --****Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 March 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3,5-8,18,20,23 and 24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-8,18,20 and 23 is/are rejected.
- 7) ☒ Claim(s) 24 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC §§ 102 and 103***

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1-3, 5-8 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 6,773,010 (Zucchi et al., hereinafter Zucchi) in view of U.S. Patent Number 4,548,409 (Cacho).

Regarding claim 1, Figure 1 of Zucchi shows a tabletop game with a playing surface 40 and sidewall 28. Figures 7A-7C best show playing surface 40 having a base 26. Zucchi discloses a preferred material of plastic or glass as the playing surface material. See column 4, lines 11-23. Although Zucchi does not explicitly disclose the reflectivity of his playing surface, Cacho discloses that game playing surface are known in the art to be made of lightweight, highly polished materials such as plastic and aluminum. See column 1, lines 15-18; column 2, lines 15-18. A highly polished material is considered to be a highly light reflective surface. As such, it would have been obvious to one of ordinary skill in the art to use a highly polished material for the playing Zucchi playing surface in view of Cacho to provide for a faster-paced game. To the extent that

Art Unit: 3711

Zucchi fails to explicitly disclose an upper light source, one of ordinary skill in the art would realize the uselessness of playing the game in the dark; rooms are well-known in the art to have overhead lighting.

Regarding claim 2, Zucchi also discloses that portions of the playing surface can be transparent. Again, see column 4, lines 11-23. A transparent surface is considered to be light-transmissive and therefore non-reflective.

Regarding claim 3, Zucchi discloses an embodiment for a soccer game table. See column 3, lines 54-56.

Regarding claim 5, Zuchhi discloses the combination of having different portions of the playing surface having different reflectivities, *i.e.*, some portions transparent, some semi-transparent, colored, *etc.* Again, see column 4, lines 11-23.

Regarding claims 6 and 7, it would have been an obvious matter of design choice to provide a plurality of non-contiguous reflective surfaces on the Zucchi game, since applicants have not disclosed that having this specific arrangement solves any stated problem or is for any particular purpose and it appears the game would perform equally well with the reflective surface arranged in any manner on the game base.

Art Unit: 3711

With further regard to claim 7, a transparent portion in the playing surface is considered to be light-transmissive.

Regarding claim 8, a completely highly polished surface is considered to reflect light over the entire playing surface.

Regarding claim 23, a highly polished surface can serve as a mirror.

3. Claims 18 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Cacho.

Regarding claim 18, Figures 1-2 of Cacho shows a playing surface 6 made of a highly polished material. As set forth above, a highly polished is considered to be a highly light reflective surface. Indicia 26-30 form the recited design. The fact that the highly polished surface reflects ambient and direct lighting allows the surface to inherently brighten the design on the playing surface.

Regarding claim 20, a highly polished aluminum surface can serve as a mirror.

#### ***Response to Arguments***

4. Applicant's arguments with respect to claims 1 and 18 have been considered but are moot in view of the new ground(s) of rejection.

Art Unit: 3711

**Allowable Subject Matter**

5. Claim 24 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

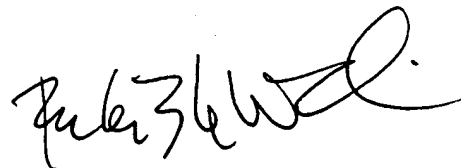
**Conclusion**

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raleigh Chiu whose telephone number is (571) 272-4408. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Vidovich, can be reached on (571) 272-4415.

The fax number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Raleigh W. Chiu  
Primary Examiner  
Technology Center 3700